

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

WEST SUBURBAN BANK,)	
)	
Plaintiff,)	
)	
v.)	No. 06 C 2503
)	
WILLIAM A. FEDA, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

On May 4, 2006 this action, pursuant to a timely and proper Notice of Removal ("Notice") by the United States, was removed from the Circuit Court of Kane County to this District Court and assigned to this Court's calendar. In part the Notice said:

This action is related to an action already pending before the Hon. Paul Plunkett, United States v. William A. Feda, et al., Case No. 05-1767 (N.D. Ill.), in which the United States seeks foreclosure of its federal tax liens on the same property at issue in the removed action.

Although such relatedness would call for an intracourt reassignment to Judge Plunkett under this District Court's LR 40.4, it would not qualify the case for a direct assignment to him under any of the provisions of LR 40.3, so that the random assignment to this Court was entirely appropriate.

Because government counsel is a Washington D.C. Department of Justice lawyer, he was understandably unaware of LR 40.4. This Court therefore had its minute clerk notify him of that provision via e-mail, and his e-mail response was that he hoped for an early resolution of both cases and would accordingly hold

off on filing a motion for reassignment before Judge Plunkett. But neither that early resolution nor that filing has since taken place, and it seems inappropriate for this case (or indeed for any case) to remain in limbo: After all, if the cases are resolved, Judge Plunkett can enter an order of dismissal in both, while if not, both should plainly be before him under LR 40.4's directive.

Accordingly it is recommended to the Executive Committee that this case be reassigned to Judge Plunkett pursuant to LR 40.4. Judge Plunkett has agreed to such reassignment and has asked that this Court process the matter. As always in such situations, it is this Court's understanding that no case will be returned to its calendar in exchange for this case, nor will any charge be made for calendar equalization purposes.

A handwritten signature in cursive script, reading "Milton I. Shadur", written in black ink.

Milton I. Shadur
Senior United States District Judge

Date: June 27, 2006